UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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RAYMONE BANKS,

: CASE NO. 1:15-CV-888

Petitioner,

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v. : OPINION & ORDER

[Resolving Doc Nos. 1, 4]

JOHN COLEMAN, Warden,

:

Respondent.

:

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## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Raymone Banks seeks a writ of habeas corpus under <u>28 U.S.C.</u> § <u>2254</u>. Land Respondent John Coleman moves to dismiss the petition. On October 7, 2015, Magistrate Judge Knepp recommended that this Court dismiss the petition. Neither party has filed an objection to Magistrate Judge Knepp's Report and Recommendation ("R&R").

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a R&R to which a party has made an objection. Parties must file any objections to a R&R within fourteen days of service. Failure to object within that time waives a party's right to have the Court review the R&R. Absent objection, a district court may adopt the R&R without review.

 $<sup>\</sup>frac{1}{2}$ Doc. 1.

 $<sup>\</sup>frac{2}{1}$ Doc. 4.

 $<sup>\</sup>frac{3}{2}$ Doc. 5.

<sup>&</sup>lt;sup>4</sup>/<sub>28</sub> U.S.C. § 636(b)(1)(C).

<sup>&</sup>lt;sup>5</sup>/Fed. R. Civ. P. 72(b)(2); LR 72.3(b).

<sup>6/</sup>LR 72.3(b); see *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

 $<sup>\</sup>frac{7}{2}$ See Thomas, 474 U.S. at 149.

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Gwin, J.

In this case, neither party has objected to the R&R. Moreover, having conducted its own

review of the record and the parties' briefing in this case, this Court agrees with the conclusions of

Magistrate Judge Knepp.

Accordingly, the Court ADOPTS in whole Magistrate Judge Knepp's Report and

Recommendation and incorporates it fully herein by reference. The Court **DISMISSES WITH** 

**PREJUDICE** Banks' petition. Moreover, the Court certifies that an appeal from this decision could

not be taken in good faith and that no basis exists upon which to issue a certificate of appealability

under 28 U.S.C. § 1915(a)(3).8/

IT IS SO ORDERED.

Dated: November 4, 2015

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

8/28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

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